

RESOLUTION NO. 74714

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
JOSÉ MAKING CERTAIN DETERMINATIONS
REGARDING THE EXPENDITURE OF REDEVELOPMENT
AGENCY FUNDS ON PUBLIC IMPROVEMENTS
SPECIFIED IN THE AGENCY'S FY 2008-2009 CAPITAL
BUDGET**

WHEREAS, Section 33445 of the California Health and Safety Code authorizes the Redevelopment Agency, with the consent of the legislative body, to pay for the costs of certain public improvements if the legislative body determines that: 1) the public improvements benefit the project area; 2) no other reasonable means of financing the improvements are available to the City; 3) payment for the improvements will assist in the elimination of blight; and (4) it is consistent with the Agency's adopted Five-Year Implementation Plan; and

WHEREAS, the Board of Directors of the Redevelopment Agency of the City of San José has approved a budget item that will reserve Agency funds for sidewalk and streetscape projects, park improvements and public buildings in various Redevelopment Project Areas, as outlined in the Executive Director's memorandum to the Mayor and City Council, dated December 11, 2008, entitled "Adoption of FY 2008-2009 Revenue and Capital Budget Appropriations and a Two-Year Spending Plan Ending FY 2009-2010" ("Executive Director's Memorandum") and incorporated herein; and

WHEREAS, the Council received and considered the reports and recommendations of the Agency's Executive Director regarding the budget item and the public improvements as set forth in the Executive Director's Memorandum; and

WHEREAS, on November 16, 2004, the Agency Board adopted a Five Year Implementation Plan which also anticipates the construction of certain Public Improvements in various redevelopment areas as a means to assist in the elimination of blight; and

WHEREAS, on October 2, 2007, the Agency Board adopted a Strong Neighborhoods Initiative Implementation Plan, setting forth anticipated Public Improvements in the Strong Neighborhoods Initiative Redevelopment Project Area; and

WHEREAS, each of these Public Improvements is intended to accomplish the goals of eliminating blight and providing an economic basis for the encouragement of private development within the redevelopment areas; and

WHEREAS, the City's Capital Budget does not include funding for the construction of these Public Improvements, and no other means of financing these improvements are available to the City.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN JOSÉ HEREBY:

A. Determines, based upon the information presented in the budget documents and reports of the Executive Director, that Agency funding of the Public Improvements as set forth in the Executive Director's Memorandum:

- (1) benefits the various redevelopment project areas;
- (2) cannot be reasonably financed by other means;
- (3) assists in the elimination of blight in the project areas; and
- (4) is consistent with the Agency's adopted Implementation Plans.

B. Consents to the Agency's funding of those Public Improvements.

ADOPTED this 16th day of December, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS;
REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk